



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 E 500 N

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



RECEIVED

JAN 08 2014

DIV. OF OIL, GAS & MINING

IN REPLY REFER TO:
3809 (UTW02000)
UTU-70634
UTU-79882

January 6, 2014

CERTIFIED MAIL # 7012 3460 0000 6633 0731
RETURN RECEIPT REQUESTED

DECISION

Michael S. Provstgaard	:	43 CFR 3809
808 West 5950 South	:	Surface Management Notice
Palmyra, UT 84660	:	

Notice Expired – Reclamation Required or Complete Plan Submission

Your Notice for fluorspar on Spor Mountain in north-central Juab County, Utah has been expired for over eight years. This Notice, the Lost Sheep Mine operation, is located in aliquot parts of section 21, Township 12 South, Range 12 West; Salt Lake Meridian. The Notice is located on four Active Mining Claims: Lost Sheep # 1, serial number UMC134322; Lost Sheep # 2, serial number UMC134323; Lost Sheep # 3, serial number UMC134324; and Lost Sheep # 4, serial number UMC134325.

Your Notice was assigned Bureau of Land Management (BLM) case file number UTU-70634 when it was established on June 22, 1992. Please refer to this number for any future communication concerning the Notice. The corresponding case file number with the Utah Division of Oil, Gas, and Mining (UDOGM) is S/023/0029. No activity is allowed under an expired BLM Notice except reclamation.

You also submitted a two-page Plan of Operations (Plan) proposal for the Lost Sheep Mine in May 2007. The case file number for the Plan is UTU-79882. Please refer to this number in any communications concerning the proposed Plan of Operations. Your Plan as submitted is incomplete. Your Plan remains in Pending status until complete Plan information is on file with the BLM and a reclamation bond is received and acknowledged by the BLM.

The BLM Fillmore Field Office (FFO) attempted to contact you by telephone on December 3, 2013. However, your previous telephone number, (801) 798-3267, is disconnected. Please notify the BLM FFO of your current contact information. A current telephone number is not required, but as described in 43 CFR § 3809.401(b)(1), you must notify BLM in writing

within 30 calendar days of any change of operator or corporate point of contact or in the mailing address of the operator or corporate point of contact.

Notice Expired – Your Notice expired on January 13, 2005. As specified by the Code of Federal Regulations (CFR) in 43 CFR § 3809.335(a), when your Notice expires, you must – (1) Cease operations, except reclamation, and (2) Complete reclamation promptly according to your Notice. As stated in 43 CFR § 3809.335(b), your reclamation obligations continue beyond the expiration or any termination of your Notice until you satisfy them.

If you wish to continue operations other than reclamation at the site, then the alternative is submission of a complete proposed Plan of Operations for mining. Any option would include responsibility for reclamation of existing surface disturbances, as well as any proposed new surface disturbances. Please notify the BLM Fillmore Field Office (FFO) of your intentions for this site within 30 days.

If you do not initiate reclamation at the site or submit a new complete Plan proposal, then the BLM may initiate reclamation procedures and hold you liable for expenses. The reclamation costs would be required for failure to properly maintain a financial guarantee and failure to reclaim the expired 43 CFR § 3809 Notice, UTU-70634, as required by 43 CFR § 3809.335. As specified in 43 CFR § 3809.598, if an existing bond amount is insufficient to pay for the full cost of reclamation, then the operators and mining claimants are also liable for the remaining costs.

Plan of Operations Submission – With the information content submitted in 2007, the proposed Plan of Operations for the Lost Sheep Mine, UTU-79882, is incomplete according to Federal regulations. Content standards for a complete Plan of Operations are described in 43 CFR § 3809.401(b). In addition to the submitted information, your proposed Plan should also include:

1. As specified by 43 CFR § 3809.401(2)(i), your description of operations should include maps of the project area. Please submit maps to indicate positions of buildings and facilities, as well as areas of surface disturbances created by your operations.
2. As required in 43 CFR § 3809.401(2)(vii), you must provide a general schedule of operations from start through closure. Variations from the general schedule are allowable with notification to the BLM.
3. In the Interim Management Plan, as described in 43 CFR § 3809.401(5)(v), you must include plans for monitoring site conditions during periods of non-operation. You have stated in writing that shaft doors, buildings and equipment, and gates will be locked, but a schedule for site monitoring visits is also needed. As required in the Interim Management Plan under 43 CFR § 3809.401(5)(vi), please also provide a schedule of anticipated periods of temporary closure during which you would implement the interim management plan, including provisions for notifying BLM of any unplanned or temporary closures. As required by 43 CFR § 3809.401(5)(iii), the interim management plan must also include provisions for storage or removal of equipment, supplies, and structures. Please provide an inventory of all equipment, supplies, and structures stored at the site.

4. As delineated in 43 CFR § 3809.401(b)(3), your reclamation plan must include (iii) information on the feasibility of pit backfilling that details economic, environmental, and safety factors, (vi) topsoil handling and interim reclamation plans, and (viii) isolation and control of acid-forming, toxic, or deleterious materials such as diesel fuel and solvents. The reclamation plan must also include strategies for (ix) removal and stabilization of buildings, structures, and support facilities, and (x) post-closure management. Please provide additional information for each of these categories.
5. As required in 43 CFR § 3809.401(c)(2)(d), you must submit a reclamation cost estimate (RCE) of the expense to fully reclaim your operations, including all equipment removal. As specified in 43 CFR § 3809.554, the RCE must be an estimate of the cost for a third-party contractor to remove all equipment, perform earthwork to standards, and re-seed all formerly vegetated surface disturbance areas. It must also include the indirect costs by the BLM to administer the contract and support expenses, estimated as an additional 21 percent to be added to the base RCE.

If you wish to continue mining operations at this location in the future, please submit a complete Plan of Operations proposal within 30 days to the BLM Fillmore Field Office (FFO), or please contact us to explain the reason a delay is required. The content requirements to file a Plan of Operations are described in 43 CFR § 3809.401. Fillmore Field Office will provide a copy of these regulations and assistance upon request. The BLM case file number for your Plan of Operations proposal is UTU-79882. Please refer to this number in communication concerning the proposed Plan of Operations.

Reclamation Required – If you prefer not to continue operations at this location, then you are responsible for reclamation of surface disturbances. Within 30 days of issuance of this decision, you must commence reclamation activity required by your Notice on file with the BLM and with regulations as specified in 43 CFR § 3809.335. Underground openings must be secured for public safety or backfilled. Surface disturbance areas such as access roads within the surface disturbance area must be regraded to conform to the surrounding topography. Reshaped surfaces must be covered with a soil growth medium and the surfaces must be seeded with an appropriate seed mix. The seed mix will be provided by the BLM Fillmore Field Office upon request.

All initial reclamation activity, including required earthwork and reseeding, must be completed within 60 days of this decision or within 60 days of the initiation of activities after notification to the BLM of the reason for delay. BLM resource specialists will continue to monitor your progress in meeting your reclamation obligations, including the success of the re-vegetation in the disturbed area. The BLM will inform you when all reclamation standards have been met and whether your obligations are complete.

Should you decide not to file a complete Plan of Operations and fail to commence reclamation within 30 days of this decision, or fail to complete necessary reclamation within 60 days of issuance of this decision, BLM will initiate reclamation procedures and the bill for reclamation will be sent to you as the responsible party. If necessary, collection procedures will be initiated if the reclamation bill is not paid, as specified under 43 CFR § 3809.336(b).

If you decide not to file a Plan of Operations and are unable to initiate reclamation activities due

to weather or other factors, contact the BLM Fillmore Field Office to explain the reason for the delay. The BLM will work with you to prepare a schedule so that you may complete reclamation to BLM standards and avoid an outstanding bill.

Appeal of the Decision - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office
Bureau of Land Management
95 East 500 North,
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43

CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.


Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellants success on the merits
3. The likelihood of immediate and irreparable harm in the stay is not granted
4. Whether the public interest favors granting the stay

If you have any questions or concerns please contact Duane Bays, Natural Resource Specialist, Fillmore Field Office, at (435) 743-3115.

Sincerely,



Michael D. Gates
Field Office Manager

Enclosures:

Form 1842-1
Active Mining Claims List for T12S R12W, sec. 21 (Lost Sheep claims)
UMC134325 (Lost Sheep # 4 claim)

cc: Opie Abeyta and Rita Stelmach
Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, UT 84101-1345

Paul Baker
UDOGM
1594 W North Temple Ste 1210
SLC, UT 84114-5801